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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,647	02/19/2004	Tobias McMullen Jackson	5118-05-1	5506

7590 03/12/2007  
Nicholas J. Tuccillo, Esq.  
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EXAMINER
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AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/782,647

Applicant(s)

JACKSON ET AL.

Examiner

Seyed Azarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vachtsevanos et al (U.S. patent 5,936,665) in view of Mima (U.S. patent 4,733,829).

Regarding claim 1, Vachtsevanos discloses an inspection apparatus for a fabric, comprising: (see abstract, method of counting pilling in textile fabrics for quality);

an illumination means for projecting a light upon one side of said temporally redefined apex portion (column 3, lines 26-50, the direction illumination light source was selected after experimentation with different types of light source);

a recording device for recording a horizon image of said temporally redefined apex portion, said horizon image being back lit by said illumination means (column 3, line 51 through column 4, line 2, capturing images and recorded for determining of the pilling count, also column 5, lines 16-26).

However regarding claim 1, Vachtsevanos, discloses (Fig. 1, element 18 and 28, column 2, lines 9-34, the fabric sample as the sample is rotated via the controlled driving mechanism exposing consecutive sections of the fabric samples to the camera's field of view, also shown feeding mechanism of fabric column 3, line 58 through column 4, line 3, fabric feed mechanism

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consist of a feed forward/rotatable stepper motor connected to a rotatable mounting to which the fabric sample is affixed), but does not explicitly state its corresponding moving a length of said fabric across “fulcrum”. On the other hand Mima in the same field of analysis of fabric surface teaches (see Fig. 33 column 18, line 56 through column 19, line 14, Fig. 33 shown a transfer path of sample yarn, the shaft 50 serves coaxially as “fulcrum” of the lever 51).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vachtsevanos invention according to the teaching of Mima because it provides analysis of fabric surface appearance and standard, objective, evaluation of fabric grade for better quality and accuracy.

### Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(U.S. patent 5,774,177) to Lane is cited for textile fabric inspection system.

(U.S. patent 6,517,651) to Azulay is cited for apparatus and method for joining fabrics without sewing.

(U.S. patent 6,987,867) to Meier et al is cited for process for evaluation data from textile fabrics.

(U.S. patent 6,501,086) to Leuenberger is cited for method and device for evaluating defects in flat textile structures.

### **Contact Information**

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Seyed Azarian*  
Patent Examiner  
Group Art Unit 2624  
March 6, 2007

A handwritten signature in cursive script, reading "Seyed Azarian".